

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**UNITED STATES OF AMERICA**

**v.**

**Civil Action No. 08-784  
Criminal No. 03-244-02**

**ANTHONY ASKEW**

**ORDER DENYING “MOTION IN OPPOSITION  
TO EXTENSION OF TIME” (DOC. NO. 232)**

On August 27, 2008, this Court ordered the government to file a response to petitioner’s motion to vacate his sentence, pursuant to Rule 5(a) of the Rules Governing Section 2255 Proceedings, on or before September 30, 2008. On September 15, 2008, petitioner filed a preemptive “Motion in Opposition for Extension of Time” (doc. no. 232) requesting this Court to deny the government any extension of time to file its response to his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody (doc. no. 222 at Crim. No. 03-244-02), in the event the government would ask for such an extension. Petitioner argues that any extension would be unwarranted because the government has had since June 6, 2008 to consider a response. In the government’s response thereto (doc. no. 234), it correctly points out that it was not ordered to file a response until August 27th, and that petitioner’s motion is premature.

In its response, the government does in fact request a brief 14 day extension of time to file its response on the grounds that the AUSA who previously handled the case from its inception retired on August 29, 2008, and that, in light of the multiple defendants, the complexity of the case (in that it involved numerous bank robberies over an extended period of time), the voluminous record and the multiple issues raised

in the Motion to Vacate, additional time is needed for the newly assigned AUSA to familiarize herself with the case and assist the Court with a meaningful response. The Court deems the government's request as a motion for extension of time, and, since petitioner has already stated his unconvincing reasons why such a request should be denied, does not find it necessary to order a response to the government's request for an extension. The Court will grant the government's request, which is eminently reasonable and entirely understandable. Accordingly,

AND NOW, this 26th day of September, 2008, IT IS HEREBY ORDERED that petitioner's "Motion in Opposition for Extension of Time" (doc. no. 232) is DENIED. IT IS FURTHER ORDERED that the government shall file its response to petitioner's Motion to Vacate on or before October 14, 2008.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc:

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all counsel of record